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UNCLAS SECTION 01 OF 04 ABUJA 001088

SIPDIS

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SUBJECT: NIGERIA: 2003 NARCOTICS CERTIFICATION REPORT CARD

REF: A) STATE 153955
B) STATE 94517
C) ABUJA 0856

1.(U) This responds to Ref A's request for a certification report card identifying the Government of Nigeria's (GON's) efforts towards meeting certification benchmarks contained in Ref B.

[1A. Major Traffickers](#)

2.(SBU) The benchmarks for cooperation against major traffickers include increased effectiveness of the Nigerian National Drug Law Enforcement Agency (NDLEA) and U.S. Drug Enforcement Administration (DEA) supported Joint Task Force, and the investigation and arrest of a major Nigeria-based drug trafficker. In addition, the Government of Nigeria (GON) should adequately fund the NDLEA at a level to support salaries and core operations.

--Although no major Nigeria-based drug trafficker has been arrested to date, NDLEA reports on-going investigations and arrests of numerous drug traffickers as well as the dismantling of several syndicates in collaboration with DEA. NDLEA notes the successful prosecution of Nigerian and Filipino smugglers arising from the 60kg seizure at the Tin-Can Island Port in Lagos in 2001. The agency indicated that investigations of others considered to be major traffickers have reached advanced stages. As evidence of their effectiveness in investigation and prosecutions, NDLEA cites the recent sentencing, without the option of a fine, of Martin Ike for smuggling 60kgs of cocaine in the luggage of his employer, Dr. Gabriel Solomon. Solomon is incarcerated in the UK and Ike was sentenced to ten years imprisonment in Nigeria.

--Cooperation between the USDEA and the NDLEA is excellent. DEA's Lagos Country Office has unrestricted access to all levels of NDLEA personnel. Although it seeks and receives assistance from other donors, the Joint Task Force considers the DEA their operational advisors.

--Like all agencies of the Federal Government of Nigeria, NDLEA is still awaiting their funding allocation for FY-03. Despite the delay, the agency appear to be continuing its operations at the seaport and all major airports as well as selected border entry points.

[1B. Extradition](#)

3.(SBU) The USG asked the GON to continue progress towards establishing a reliable system that will allow extradition requests to be heard expeditiously and fairly, that will respect due process and individual rights while avoiding delaying tactics. The benchmark for Article 6 is continued GON progress in strengthening extradition practice and procedures, and in resolving pending cases.

--Nigeria's judicial system still affords defense attorneys the opportunity to delay at virtually every step of the extradition process, particularly at hearings. The case of Daniel Oruhui has been continued until July 3, 2003 because the presiding judge was unable to attend the last hearing. The GON cites that eight of its citizens have been extradited to the U.S. since 1995. Although due process may not have been followed in some cases, the GON points to these cases as a demonstration of its commitment to honor its international obligation under the 1988 U.N. Convention against illicit trafficking in narcotics and psychotropic substances.

--Regarding expedited extraditions, the Attorney

General has concluded arrangements meeting the requirement for a special prosecutorial team and a special division within the Federal High Court system to expedite extradition cases.

1C. Interdiction

4.(SBU) The benchmark for cooperation in the area of drug interdiction is to successfully seize at least one significant shipment of heroin or cocaine. (Significance to be determined by DEA and RNLEO) In particular, the NDLEA must continue efforts at the airport in Lagos to ensure that any direct flights to the U.S. from Lagos do not become a major conduit for drug trafficking. NDLEA must increase its use of INL-donated drug detectors, the Itemisers, at its international airports and establish a plan to exercise greater control over mail and commercial delivery services.

--NDLEA has not made a significant heroin or cocaine seizure to date, however, it has made substantial progress in the number of seizures achieved and the total amount of illicit drugs confiscated. Their efforts are evidenced by a total drug seizure of 507,728.10kg in 2002 and the arrests of 2,657 suspects, of which 870 have been convicted. The others are awaiting trial. NDLEA successfully destroyed 283,398kg of cannabis in Operation "Burn the Weed". As of April 2003, total drug seizures stood at 76,641.14kg. This included 75,742kg of cannabis, 13kg of cocaine, 26.14kg of heroin and 860kg of psychotropic substances. Within the same period, NDLEA destroyed 64,860kgs of cannabis. 109 drug suspects were convicted so far, out of 886 that were arrested.

--The NDLEA unit at Lagos' Murtala Muhammed International Airport (MMIA) continues to conduct 100 percent searches of passengers and carry-on baggage. This procedure is a very important effort, made even more essential with the May 2003 commencement of World Airways charter flights direct to the U.S. from Lagos.

--The under-utilization of the drug detection equipment was due to lack of consumable supplies for the machines. Since these items are sole-source, NDLEA is completely reliant on the supplier. RNLEO has discussed more reliable supply methods with the vendor but problems still exist in timely delivery of the items. Consumables for the Itemiser are time sensitive and are useless after the expiration date. NDLEA currently has a three-month supply and the RNLEO is working with the vendor to ensure future stock is received in a timely manner.

--Nigeria recognizes that drug trafficking is a borderless phenomenon. NDLEA has stepped up efforts at strengthening its sub-regional initiative, The West African Joint Operations (WAJO) in collaboration with USDEA. This operation involves the exchange of intelligence as well as cross-border operations within the West Africa sub-region. NDLEA recently concluded a multi-national and concurrent drug interdiction operation across the West Africa sub-region, which led to substantial arrests and seizures of illicit substances.

--NDLEA has made numerous seizures of traffickers at Murtala Muhammed International Airport (MMIA) in Lagos and at Nnamdi Azikiwe International Airport in Abuja. An antiquated medical x-ray machine at MMIA is being replaced by an INL-funded digital x-ray machine in Lagos. As a result of the use of even the old x-ray technology at MMIA, many traffickers have chosen to operate through other cities in Nigeria or other West African countries with less capacity to detect them. Numerous seizures have occurred in Abuja with little technical aid so NDLEA plans to improve their effort by moving the old machine from MMIA to Abuja as soon as some repairs can be completed.

1D. Money Laundering and Asset Forfeiture

5.(SBU) The benchmarks for this area includes effective GON cooperation with the FATF AMERG to ensure that remaining deficiencies in anti-money laundering legislation and enabling regulations are corrected and the newly enacted reforms are enforced and implemented. The GON must adequately support the Economic and Financial Crimes Commission (EFCC) by ensuring that it is adequately staffed and funded, and its staff adequately trained. In addition, asset forfeiture laws must be enforced and resources derived from the forfeiture must be utilized to fight criminal activity. The GON must continue its cooperation with the U.S. law enforcement Agencies to disrupt syndicates perpetrating financial fraud, particular those groups involved in advance-fee (419) fraud targeting U.S.

citizens.

--Nigeria was designated a Non-Cooperating Country or Territory (NCCT) in June 2001. During the past year, positive steps have been taken by the GON to overcome this designation. Initially, NDLEA's anti-money laundering activities were limited to general investigation. Currently, its financial investigation capacity has been improved by upgrading the financial investigative unit to a full-fledged Directorate. NDLEA has intensified its banking inspections and have commenced active investigations on several accounts and initiated prosecution of five banks suspected of violation of money laundering legislation.

--Nigeria claims tremendous success through a well-articulated awareness program aimed at sensitization of banks and non-bank financial institutions on international money regulations as well as on the reporting standards in compliance with FATF 40 recommendations.

--The GON reports taking the following concrete steps to enhance Nigeria's efforts to be removed from the list of NCCT:

--Setting up an Interministerial Committee headed by the Permanent Secretary to the President;

--Engaging in constructive dialogue and correspondence with the FATF particularly the Africa and Middle East Review Group;

--Holding face to face meeting with the Review Group in Rome and;

--Amending the Money Laundering Act to meet the standard of the FATF.

--The GON does not want Nigeria to be a haven for money launderers. In this regard, a Nigerian delegation visited Rome three times between December 2001 and May 2003 for discussions with the FATF AMERG. The last meeting was May 27, 2003. The GON felt the discussions were fruitful. The newly enacted Money Laundering (Prohibition) Act 2003 was reviewed at that meeting and the AMERG gave the Nigerian delegation the benefit of their experience in other areas. Currently, efforts are underway to consolidate and harmonize financial crimes laws in accordance with FATF recommendations. Nigeria is hoping for some positive acknowledgement of their efforts to date at the June 18th plenary session.

--The GON is trying to get FATF to visit Nigeria. We understand that a visit has been agreed to and the timing is still pending.

--NDLEA and the new Economic and Financial Crimes Commission (EFCC) are vigorously enforcing the provisions of the Money Laundering Act. Several banks have been charged with violating the provisions of the Act and if convicted, could lose their licenses.

--The EFCC, under new leadership, has been active and is credited with the arrest of two 419 "kingpins" in 2003, and a newly elected member of the National Assembly. After a recent court appearance, bail was denied one of the suspects.

--Two judges from the High Court in Lagos and two from the High Court in Abuja have been designated to hear all cases brought by the EFCC. Since this designation, no hearing has been continued for more than week.

-- While Nigerian law enforcement establishment recognizes asset forfeiture as an effective deterrence to money laundering activities, this has not been an area actively pursued by them. NDLEA and other law enforcement agencies are awaiting legislation that would authorize the use of proceeds and assets of criminal elements by the agency responsible for the seizure. The new National Assembly may take on this issue and pass the appropriate legislation.

1E. Corruption

6.(SBU) As a measure of cooperation in the area of corruption, the GON must investigate all credible petitions alleging corruption by federal, state and local government officials. The NDLEA and NPF must also properly staff and fund special offices of professional responsibility to investigate misconduct.

--The Independent Corrupt Practices and Other Related Offenses Commission (ICPC) has moved in fits and starts since its inception in 2000. First in 2000 its legitimacy was challenged in a lawsuit where the ICPC was ultimately deemed constitutional. More recently, the Anti-Corruption Act of 2000, which created the ICPC, was replaced with the 2003 Anti-Corruption Act that could have weakened the Commission considerably. The High Court recently adjudged the new law null and void, and declared the Anti-Corruption Act of 2000 still valid. The ICPC was practically idle during both of these proceedings as its power to investigate was severely curtailed. The ICPC staff of 23 prosecutors, 26 investigators and six advisors is currently conducting 17 investigations involving 39 people including 14 governors and several National Assembly members.

--Other initiatives of the GON include sponsoring and hosting several conferences against corruption in Nigeria; aggressive implementation of laws against advance fee fraud and failed banks; probing of past governments which has resulted in the recovery of large sums in foreign currency; probe of the legislature; the implementation of anti-corruption law, and the strengthening and further empowerment of the ICPC.

--NDLEA has institutionalized a regime of personnel re-orientation and institution of professional responsibility. The objective is to instill discipline, transparency, loyalty and professionalism. NDLEA operatives are viewed as relatively honest and were the recent targets of other Nigerian law enforcement agencies to get them evicted from the port of Lagos. The NPF appear to be serious about their reform efforts and have reported large-scale expulsions of the rank and file and some mid-level officials for soliciting bribes. Further positive results are anticipated as a result of a comprehensive police reform and modernization program funded by INL and implemented by ICITAP that got underway in February 2003.

F. Demand Reduction

7.(SBU) The USG asked the GON to provide adequate funds and personnel to implement the demand reduction component of Nigeria's drug control policy plan.

--The NDLEA has been engaged in anti-drug public awareness based on the belief that articulate demand-reduction programs are prerequisite to victory in supply-reduction battle. To that end, the following programs are being implemented in Nigeria:

- anti-drug public enlightenment;
- establishment of drug abuse committees all over the country starting at the local government levels;
- incorporation of drug abuse education in the curricular of Nigerian schools;
- establishment of drug-free clubs in tertiary institutions.

--Rehabilitation of drug dependent person is a core concern. The NDLEA, in collaboration with UNODCCP, embarked on a program of standardizing the Common Operational Procedures (COP) for improvement of treatment and rehabilitation services in Nigeria.

G. Controlled Delivery

8.(SBU) The USG asked the GON to cooperate with controlled deliveries, as called for in Article II of the 1988 UN Convention on Narcotics and Psychotropic Substances.

--In addition to operational activities within the West Africa sub-region, NDLEA has participated in several successful controlled delivery operations with its international collaborators. NDLEA Chairman cited four such operations with British Customs counterparts.

JETER